

P.R. No. 4039/06
Presented by Shri. P. Jaisankar
dated 27/7/06

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IN THE HIGH COURT OF CHHATTISGARH AT
BILASPUR 4174
W.P. No. ----- of 2006.

PETITIONER : / S. Venkat Rao aged about 56 years
son of S. Suryanarayana, Resident
of Dewarikhurd District- Bilaspur
C.G.

VERSUS

RESPONDENTS : / 1. Smt. S. Parvati W/o Shri
Venkat Rao, aged about 43,
2. S. Suresh S/o Shri S. Venkat
Rao, aged about 20 years,
3. S. Jyoti D/o Shri S. Venkat
Rao, aged about 20 years,

All resident of Q. No. 1463/G,
Wireless Rly. Colony P.S.
Tarbahar Bilaspur.

WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR THE ISSUANCE OF
WRIT IN THE NATURE OF MANDAMUS
CERTIORARI, PROHIBITION AND FOR OTHER
SUITABLE WRIT OR WRITS ORDER OR ORDERS
DIRECTION OR DIRECTIONS.

मामला क्रमांक W.R.No. 4174/06 (om) सन् 200

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>05.09.2006</u> Shri R.K. Jaiswal, learned counsel for the petitioner. Heard on admission. The petitioner has filed this petition under Article 226/227 of the Constitution of India impugning the order dated 24.1.2006 passed by the Family Court, Bilaspur in M.J.C. No. 645/05 by which the learned Family Court has granted interim maintenance at the rate of Rs. 3,000/- per month to respondent No. 1. Learned counsel for the petitioner submits that the impugned order has been passed simply on the basis of the statements made by the respondents without considering the pleadings of the respective parties. The above order has been passed considering the salary of the petitioner to be Rs. 15,000/- per month though the petitioner is a jeep driver and is drawing a salary in between 3,000/- to 3,786/- per month and thus the impugned order is contrary to law and also against the principle of natural justice. I have heard learned counsel for the petitioner. The order impugned has been passed on the basis of unrebutted averments of the respondents that the petitioner is drawing a salary of Rs.	

P.T.O.

मामला क्रमांक *M.P.No. 4174/06 (om)*
सन् 200

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	15,000/- per month as the petitioner in his reply to the application for interim maintenance has not rebutted the averments of the respondents regarding his monthly salary. The matter is still pending before the Family Court. Thus, taking into consideration that the impugned order has been passed on the basis of pleadings of the respective parties and after considering the material available on record, I am of the considered opinion that no interference is called for in impugned order under Article 226/227 of the Constitution of India. Accordingly, the petition being devoid of substance is liable to be dismissed at the motion stage itself and it is dismissed. Consequently, M.W.P.No. 3239/06, I.A.No. 7695/06 and I.A.No. 7696/06 stand disposed of.	Sd/- Dhirendra Mishra Judge

P.T.O.

14/9/06